

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

The Office asserts that it would have been obvious to take the Bergholtz container, add a peripheral skirt to its closure, include a ridge on the skirt which can engage with the inner surface of the neck of the container and ensure that the free outer diameter of the ridge is slightly larger than the free inner diameter of the neck. The Office does not explain how or where the skirt would be appended to the Bergholtz closure. Presumably the Office contemplates that the sealing lip 23 would be extended to form the skirt. However, as seen particularly in Fig. 1 and as explained in Col. 7, (first full paragraph), the radial outer surface of the sealing lip 23 bulges from the centre radially outwardly. The curvature is opposite the curvature of the inner surface of edge 11. Thus, lip 23 does not extend downwardly perpendicularly from the top of the closure and it is not apparent how this configuration would lead one of ordinary skill to provide a peripheral skirt having a ridge for engaging with the inner surface of the neck.

The Office points to nothing in Goodall or Agbay which remedies the deficiencies noted above. In particular, Fig. 1 of Agabay, does not teach a peripheral skirt with a ridge intended for engagement with the inner surface of the neck.

It would appear that the Office is using hindsight gained from the present specification to reconstruct the disclosures of the references. It is respectfully submitted that this is improper and that the rejections should be withdrawn.

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. McGowan, Jr.", positioned above a horizontal line.

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